

OCT 04 2023

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

MITCHELL R. ELFERS
CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOEY CHAVEZ,

Defendant.

CRIMINAL NO. 23-1476 WJ

Count 1: 21 U.S.C. §§ 841(a)(1) and

(b)(1)(A): Possession with Intent to

Distribute 50 Grams and More of

Methamphetamine;

Count 2: 21 U.S.C. §§ 841(a)(1) and

(b)(1)(B): Possession with Intent to

Distribute 40 Grams and More of

Fentanyl (N-phenyl-N-[1-(2-phenylethyl)-
4-piperidinyl] propanamide);

Count 3: 18 U.S.C. § 924(c)(1)(A)(i):

Using and Carrying a Firearm During and

in Relation to a Drug Trafficking Crime,

and Possessing a Firearm in Furtherance
of Such Crime;

Count 4: 18 U.S.C. §§ 922(g)(1) and 924:

Felon in Possession of a Firearm and

Ammunition;

Count 5: 18 U.S.C. § 751(a): Escape.

INDICTMENT

The Grand Jury charges:

Count 1

On or about August 23, 2023, in Bernalillo County, in the District of New Mexico, the defendant, **JOEY CHAVEZ**, unlawfully, knowingly, and intentionally possessed with intent to distribute a controlled substance, and the offense involved 50 grams and more of methamphetamine.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A).

Count 2

On or about August 23, 2023, in Bernalillo County, in the District of New Mexico, the defendant, **JOEY CHAVEZ**, unlawfully, knowingly, and intentionally possessed with intent to distribute a controlled substance, and the offense involved 40 grams and more of fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide).

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B).

Count 3

On or about August 23, 2023, in Bernalillo County, in the District of New Mexico, the defendant, **JOEY CHAVEZ**, during and in relation to a drug trafficking crime for which the defendant may be prosecuted in a court of the United States, specifically, possession with intent to distribute 50 grams and more of methamphetamine as charged in Count 1 of this indictment, and possession with intent to distribute 40 grams and more of fentanyl as charged in Count 2 of this indictment, knowingly used and carried a firearm, and in furtherance of such crimes, possessed said firearm.

In violation of 18 U.S.C. § 924(c)(1)(A)(i).

Count 4

On or about August 23, 2023, in Bernalillo County, in the District of New Mexico, the defendant, **JOEY CHAVEZ**, knowing that he had been convicted of at least one crime punishable by imprisonment for a term exceeding one year, specifically:

- (1) receiving or transferring a stolen motor vehicle,
- (2) forgery – check/commercial instrument,
- (3) identity theft – possession with intent to use – attempt,
- (4) criminal possession financial device – one device,

(5) possession of a controlled substance (methamphetamine), and

(6) felon in possession of a firearm,

knowingly possessed a firearm and ammunition in and affecting commerce.

In violation of 18 U.S.C. §§ 922(g)(1) and 924.

Count 5

On April 10, 2023, in Bernalillo County, in the District of New Mexico, the defendant, **JOEY CHAVEZ**, knowingly escaped from custody in the Diersen Charities Residential Re-entry Center, an institutional facility in which he was lawfully confined at the direction of the Attorney General, and by virtue of a judgment and commitment of the United States District Court for the District of New Mexico, upon conviction for the commission of felon in possession of a firearm and ammunition, in violation of 18 U.S.C. §§ 922(g)(1) and 924.

In violation of 18 U.S.C. § 751(a).

FORFEITURE ALLEGATIONS

Upon conviction of any offense in violation of 18 U.S.C. §§ 922(g) and 924(c), the defendant, **JOEY CHAVEZ**, shall forfeit to the United States, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), any firearms and ammunition involved in the commission of the offense, including, but not limited to:

- a. a Sig Sauer P226 9mm pistol bearing serial number 47E079807, and
- b. approximately 16 rounds of 9mm ammunition.

Upon conviction of any offense in violation of 21 U.S.C. § 841, the defendant, **JOEY CHAVEZ**, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such offense(s) and any property used, or intended to be used, in any manner or part, to commit, or to

facilitate the commission of, the offense(s). The property to be forfeited includes, but is not limited to:

- a. a Sig Sauer P226 9mm pistol bearing serial number 47E079807, and
- b. approximately 16 rounds of 9mm ammunition.

A TRUE BILL:

Rory Costello
Assistant United States Attorney

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FOREPERSON OF THE GRAND JURY